

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-16
AMENDED SUBDIVISION PLAT OF LOT 10 HOMES ON A THOUSAND HILLS
SEPTEMBER 25, 2020

I. GENERAL INFORMATION

A. Project Description

The proposal is for preliminary plat approval of a four-lot residential subdivision. The lots would be served by individual wells and septic systems. Access to the lots would be from Shepherd Trail.

B. Project Personnel

i. Owner/Applicant

Ben and Krista Van Helden
17 1st Avenue East
Kalispell, MT 59901

ii. Tech. Representative

Environmental Health Consulting
4572 Whitefish Stage
Whitefish, MT 59937

C. Application Review Dates

1. Land Use Advisory Committee/Council

The proposed land use is located within the advisory area of the West Valley Land Use Advisory Committee (WVLUAC). The WVLUAC will conduct a public hearing on the proposed conditional use permit on September 29, 2020 at 6:30 P.M. in the 4-H Building at the Flathead County Fairgrounds, located at 265 North Meridian Road, Kalispell, MT 59901. A recommendation from the WVLUAC will be forwarded to the Flathead County Planning Board for their consideration.

Update September 30, 2020

On September 29, 2020, the West Valley Land Use Advisory Committee (WVLUAC) conducted a public hearing on the proposed subdivision. After staff presentation and the opportunity for applicant presentation and public comment, the Committee voted 5-0 to adopt the staff report as Findings of Fact and to forward a positive recommendation to the Flathead County Planning Board and Board of County Commissioners. Details of the Committee's actions and the recommended Findings of Fact and Conditions of Approval are included in the attached WVLUAC Addendum to this report.

2. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on October 14, 2020 at 6:00 P.M. in the Country Kitchen Building at the Flathead County Fairgrounds, located at 265 North Meridian Road, Kalispell, MT 59901. A recommendation from the Planning Board will be forwarded to the Flathead County Board of Commissioners for their consideration.

3. Commission

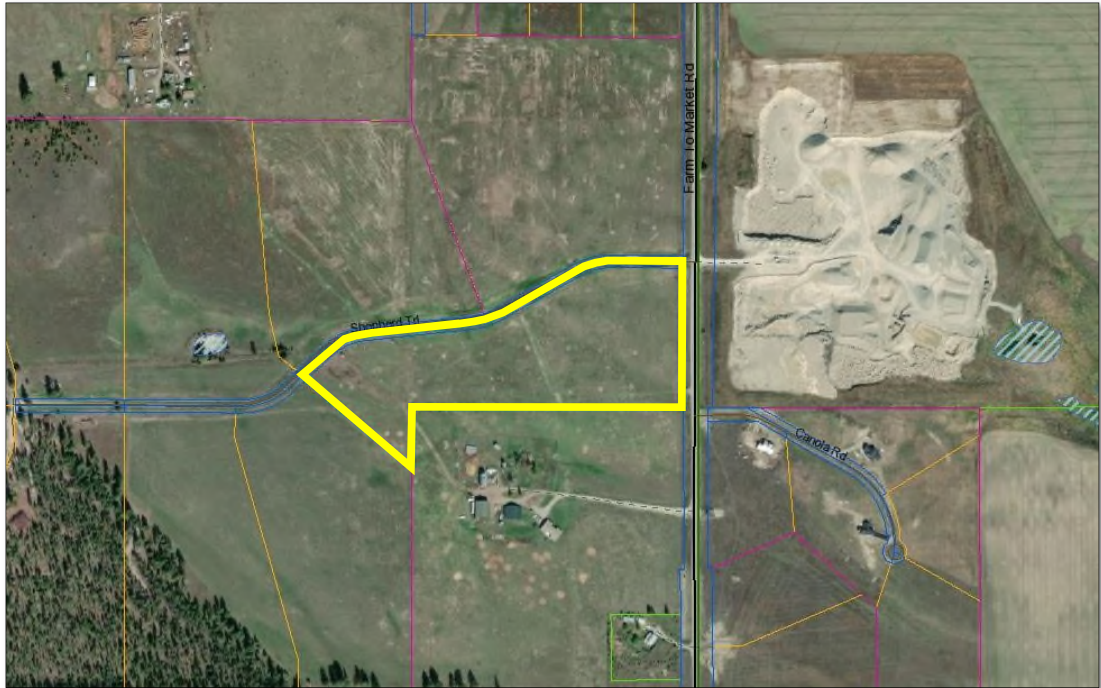
The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to November 24, 2020, which is the end of the 60-working day statutory review period.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The subject property is 20.42 acres and located at 174 Shepherd Trail, Kalispell, MT. The property can legally be described as Lot 10 of Homes on a Thousand Hills, located in Section 17, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

Figure 1: Aerial of subject property outlined in yellow



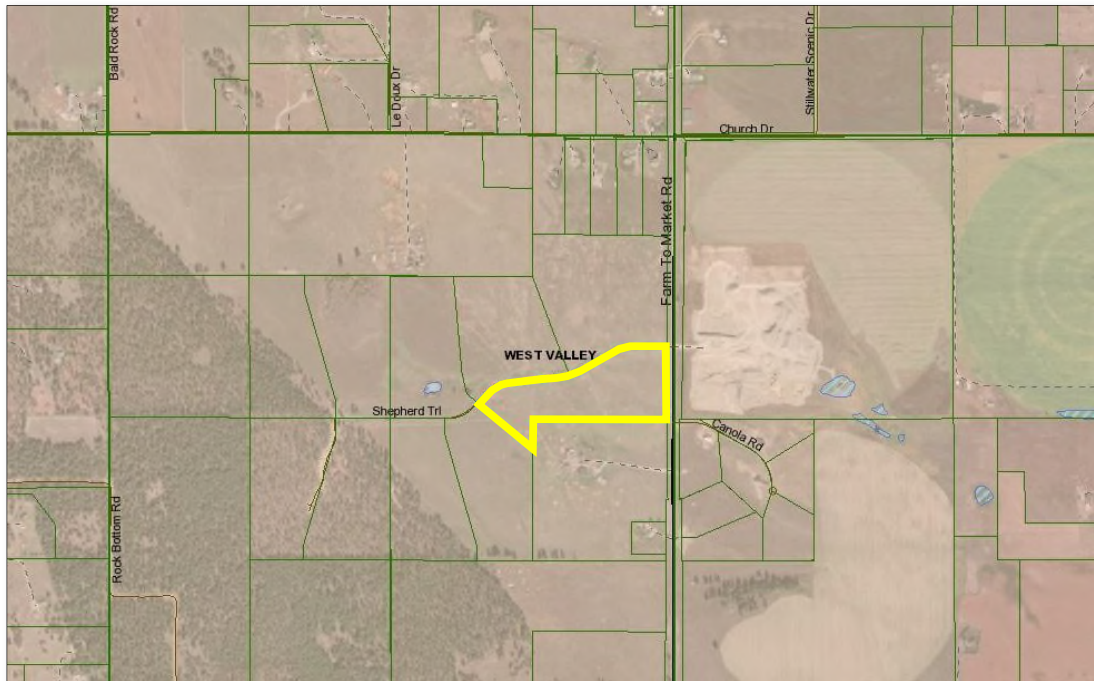
B. Subdivision Layout Detail

1. Total Subdivision Acreage:	20.43 acres
2. Acreage in Lots:	20.43 acres
3. Acreage in Roads:	1.32 acres
4. Total Open Space Acreage:	0.00 acres
5. Minimum Lot Size:	2.55 acres
6. Maximum Lot Size:	9.85 acres
7. Density:	1 unit per 5.12 acres

C. Current Land Use and Zoning

The subject property is currently zoned ‘WV West Valley’ and is undeveloped. The WV zoning designation is defined as, ‘A district to promote orderly growth and development in the West Valley area consistent with the community vision statements as expressed by the text and map exhibits of the West Valley Neighborhood Plan, County Resolution #1226-A.’ The WV zoning designation has a minimum lot size of 1 acre and a maximum density of one dwelling per 5-acres, 10-acres, 15-acres, and 20-acres based on performance standards. The density performance standards pertain to soil types, slope, location within a fire district, and sensitive environmental features.

Figure 2: Surrounding zoning, subject property outlined in yellow



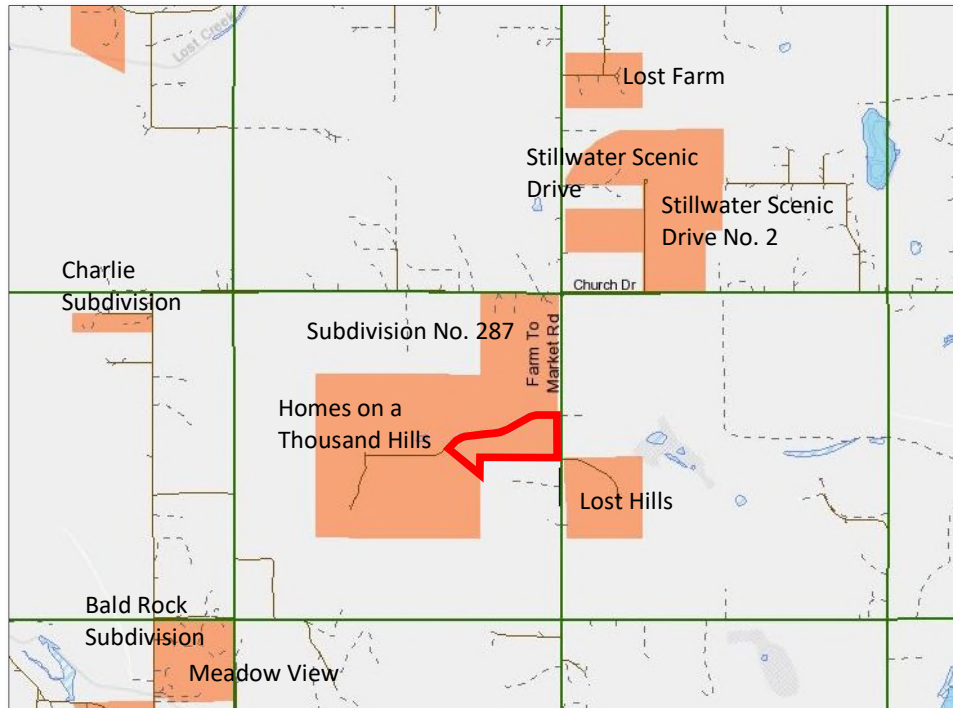
D. Proposed Land Use

The proposed subdivision would create four residential lots. The average size of lots within the subdivision would be 5.12 acres. The applicant is proposing cash-in-lieu of parkland dedication. Shepherd Trail would provide direct access to lots within the subdivision.

E. Previously Considered Subdivisions in Area

Subdivision Name (year approved)	Type	Total Lots	Average Lot Size
Homes on a Thousand Hills (2019)	Residential	10	21.3 acres
Subdivision No. 287 (2014)	Residential	5	5.2 acres
Lost Hills (2018)	Residential	6	6.4 acres
Stillwater Scenic Drive (2002)	Residential	3	37.7 acres
Stillwater Scenic Drive No. 2 (2004)	Residential	3	24.4 acres
Lost Farm (2005)	Residential	5	5.2 acres
Charlie Subdivision (2014)	Residential	2	5.0 acres
Bald Rock Subdivision (2006)	Residential	4	5.0 acres
Meadow View (2005)	Residential	4	5.0 acres

Figure 3 – Area subdivisions, subject property outlined in red



F. Utilities and Services

1. **Water** – Individual Wells
2. **Wastewater** – Individual Septic Systems
3. **Electricity** – Flathead Electric Cooperative
4. **Natural Gas** – N/A
5. **Solid Waste** – Evergreen Disposal
6. **Telephone Service** – CenturyLink
7. **School District(s)** – West Valley School District, Glacier High School District
8. **Fire District(s)** – West Valley Fire District
9. **Police** – Flathead County Sheriff's Office

III. COMMENTS RECEIVED

A. Agency Comments

1. Referrals were sent to the following agencies on August 28, 2020:
 - Bonneville Power Administration
 - DNRC
 - Flathead City-County Health Department (inter-office mail)
 - Flathead County Address Coordinator/GIS Department
 - Flathead County Road & Bridge Department
 - Flathead County Sheriff's Office
 - Flathead County Solid Waste District
 - Flathead County Superintendent of Schools
 - Flathead County Weeds & Parks Department
 - Kalispell School District
 - Montana Department of Transportation

- Montana Fish, Wildlife & Parks
 - West Valley Fire District
 - West Valley School District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Flathead City-County Health Department
 - Comment: “[...] This project proposes 4 lots served by individual wastewater treatment systems and wells. This proposal is subject to review under Sanitation in Subdivisions, Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm drainage, and solid waste disposal.” Letter received September 1, 2020
 - Bonneville Power Administration
 - Comment: “[...] At this time, BPA does not object to this request, as the property is located 4.48 miles away from the nearest BPA transmission lines or structures.” Email received September 3, 2020
 - Flathead County Road & Bridge Department
 - Comment: “Thank you for the opportunity to comment on the above referenced application. At this point the County Road Department does not have any comments on this request.” Letter received September 4, 2020
 - Montana Department of Transportation
 - Comment: “Thank you for contacting the Montana Department of Transportation (MDT) regarding this proposal which will consist of the subdivision of Lot 10 into four residential lots. The proposal is located west of Kalispell on Farm To Market Road (Secondary 424) and will be accessed via Shepherd Trail which was a previously permitted approach for the original 10 lot development.”
 - “As this will be a change to what was previously permitted the owners will need to contact MDT to update the existing approach permit.” Email received September 14, 2020

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on September 23, 2020, legal notice was published in the Daily Interlake on September 27, 2020, and notice of the proposal and public hearing was physically posted onsite on September 25, 2020.

As of the date of the completion of this staff report, no public comments have been received regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review

procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

1. Agriculture and Agricultural Water User Facilities

The average lot size within the subdivision would be 5.12 acres. The Environmental Assessment (EA) states, “The property for many years was in productive agricultural production. In recent years, it was used as grazing ground.” According to the soils report submitted with the application, the property is not considered prime farmland based on the soil types and the terrain. The EA indicates there are no shared agricultural water works, canals, irrigation ditches, or pump houses on the property and the property is not located within an agricultural water district or area.

Finding #1 – There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision because although the subject property has historically been used for agriculture, the property is not considered prime farmland, has no irrigation infrastructure onsite, is not in an irrigation district, and is not party to any irrigation agreements.

2. Local Services

a. Water and Wastewater Services

The proposed subdivision is not located adjacent to public water or wastewater services and instead will be served by individual wells and septic systems. Comment received from the Flathead City-County Health Department states, “This project proposes 4 lots served by individual wastewater treatment systems and wells. This proposal is subject to review under Sanitation in Subdivisions, Title 76-4, Part 1, MCA. This review addresses water supply, wastewater disposal, storm drainage, and solid waste disposal.”

The submitted water and wastewater report, prepared by a registered sanitarian and submitted with the application, states, “Each lot is proposed to have its own individual well of which will be compliant with ARM Title 36, Chapter 21. Water supplies shall be dependable, adequate quantity and meet water quality drinking standards. Water rights are required by DNRC once the water has been put to use.”

“Each lot shall have an individual septic system that will be uniform pressure dosed in compliance with Flathead County Health Dept and MDEQ. Minimum of a 1000 gallon septic tank and 500 gallon pump chamber. All nutrient loading shall be in compliance with MDEQ nondegradation requirements.”

b. Solid Waste Disposal

The developer is proposing contract haul as a mechanism for solid waste disposal as requested of all subdivisions by the Flathead County Solid Waste Department. A letter from Evergreen Disposal was submitted with the application stating Evergreen Disposal is the licensed hauler responsible for solid waste disposal in the area and is capable of providing service to the subject property. The Flathead County Solid Waste District did not provide comment regarding the proposal.

Finding #2 – The proposed subdivision would have minimal impact on water, wastewater, and solid waste disposal services as the property is not located within a water and sewer district, the proposed subdivision would utilize individual wells

and septic systems, the water and wastewater systems would be required to be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality, and lots within the subdivision would utilize contract haul services for solid waste disposal.

c. Roads

Primary access to the proposed subdivision is via Farm To Market Road, which is a paved, MDT-maintained road within a 60-foot wide easement. Access to lots within the subdivision would be via Shepherd Trail, which is a paved internal subdivision road within a 60-foot wide easement. A draft CC&R's document was submitted with the application which indicates the homeowners association would be responsible for maintenance of internal subdivision roads. Comment from the Montana Department of Transportation stated an updated approach permit is required for the change in use of the existing approach onto Farm To Market Road.

According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, single-family dwellings typically generate approximately 10 average daily trips (ADT). The subdivision would create three additional residential lots and would therefore add approximately 30 ADT to the road network. The most recent traffic counts for Farm To Market Road were collected in 2019 and indicated 3,603 ADT in the vicinity of the proposed subdivision. Using these estimates, the addition of 30 vehicle trips would increase traffic on Farm To Market Road by less than 1%. It would appear Farm To Market Road could accommodate the additional vehicle trips.

Finding #3 – Impacts on area roads would appear to be acceptable as Shepherd Trail would provide legal and physical access to the proposed subdivision lots, all primary access roads are paved and constructed to County standards, the proposed subdivision has the potential to increase traffic on Farm To Market Road by less than 1%, and an updated approach permit from the Montana Department of Transportation would be required for the existing approach onto Farm To Market Road.

d. Schools

The proposal is located in the West Valley School District and Glacier High School District. According to the 2017 Census Data there are 48,741 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2019 states there are 16,422 students enrolled in County schools. The total students (16,422) divided by the total households (48,741) equals approximately 0.34 students per household. Therefore, three additional lots could generate approximately one school age child.

The West Valley School District has seen a 52% increase in enrollment over the last decade and an 8% increase between the 2018 and 2019 school years. The Kalispell Public High School District has seen a 5% increase in enrollment over the last decade and a 1% decrease between the 2018 and 2019 school years. The West Valley School District did not provide comment regarding the proposal. A letter submitted with the application from the Superintendent of Kalispell Public Schools

indicates the high school can accommodate additional students generated from the proposed subdivision.

e. Mail Delivery

The application indicates centralized mailboxes will serve the proposed subdivision. The location of the mailboxes serving the proposed subdivision shall require review and written approval from the local postmaster as a condition of final plat approval and should meet the location requirements outlined in Section 4.7.28 FCSR.

f. Recreation

Pursuant to Section 4.7.24 FCSR, parkland dedication is required for major subdivisions with lots that will be less than five gross acres in size. The subdivision would result in four lots, two of which would be five acres or less in size. According to the application, cash-in-lieu is proposed to meet the parkland dedication requirements. Lot 2 would have a gross area of 2.55 acres and Lot 3 would have a gross area of 3.02 acres. According to the parkland dedication requirement formula, the developer would be required to provide cash-in-lieu equal to fair-market value of 5% of the 2.55 acres and 2.5% of the 3.02 acres, totaling 0.203 acres. An appraisal from a Certified General Appraiser (CGA) dated no more than 6 months prior to the final plat submittal will be required to establish the parkland dedication value.

The Flathead County Trails Plan designates Farm To Market Road as a proposed connector trail, therefore a 15-foot wide pedestrian and bicycle path easement will be required along the east side of the subject property, adjacent to the Farm To Market Road right-of-way, in accordance with Section 4.7.19 FCSR. The preliminary plat indicates an existing 15-foot wide pedestrian and bicycle path easement.

Finding #4 – Impacts on local services with regard to schools, mail delivery and recreation would appear to be acceptable as the proposed subdivision would add approximately one student to the local school districts, the applicant will be required to submit written approval from the local postmaster prior to final plat approval, and cash-in-lieu of parkland dedication will be required prior to final plat approval.

3. Public Health And Safety

a. Storm Water Drainage

The submitted storm water management plan states, “Stormwater will be designed and compliant with MDEQ Circular DEQ 8. Stormwater will retain the 2YR, 10 YR stormwater events and no building, roadway, or drainfield will be inundated during a 2YR, 10YR, and 100YR storm events. All increased stormwater will be retained on the property.” The plan indicates roadside ditches and retention swales will accommodate storm water drainage.

According to the Natural Resource Conservation Service (NRCS) soil data, the soil types located on the subject property are classified as well drained and not prone to ponding or flooding. The proposed storm water management plan will be required

to be reviewed and approved by the Montana Department of Environmental Quality for compliance with state standards prior to final plat approval.

Finding #5 – Impacts from storm water runoff will be acceptable because storm water generated by impervious surfaces within the proposed subdivision will be accommodated via onsite ditches and retention swales and the proposed storm water management plan will require review and approval through the Flathead City-County Health Department and the Montana Department of Environmental Quality.

b. Fire/Emergency Medical Services

The subject property is located within the West Valley Fire District and the West Valley Fire Department is located approximately 2.2 miles south of the proposed subdivision, along Farm To Market Road. Based on the location of the property in relation to the fire department, response times are anticipated to be reasonable.

The southern portion of the property is located within the Wildland Urban Interface (WUI). The property is not forested. A Fire Prevention, Control and Fuels Reduction Plan was provided with the preliminary plat application, which appears compliant with requirements outlined in Section 4.7.27(b) FCSR. The plan identifies dry conditions as a potential wildfire hazard within the subdivision and references fire prevention and preparedness resources within the CC&Rs. Shepherd Trail was built to County standards with a hammerhead turn-around and was reviewed and approved by the fire chief prior to final plat of Homes on a Thousand Hills.

The West Valley Fire District did not provide comment regarding the proposal. A letter from the District will be required prior to final plat approval ensuring the improvements have been made in compliance with applicable fire suppression requirements.

Ground ambulance service would be available to serve the proposed subdivision, as well as ALERT service provided by Kalispell Regional Medical Center for emergency medical services. The property is located approximately 8.3 driving miles from the Kalispell Regional Medical Center.

c. Police Services

The proposed subdivision is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff's Office. The Flathead County Sheriff's Office did not provide comment regarding the proposed subdivision. The combination of existing staff levels, shift rotations, size of the County, the dispersed nature of the population, and the property's distance from the Flathead County Sheriff's Office in Kalispell may lead to delayed response times in the event of an emergency.

Finding #6 – Impacts on fire, emergency medical, and police services would be minimal with the imposition of conditions because lots within the proposed subdivision would be served by the West Valley Fire District and Flathead County Sheriff's Office in the event of an emergency, and the applicant will be required to implement an approved Fire Prevention, Control and Fuels Reduction Plan and meet the requirements of the fire district prior to final plat approval.

d. Impact of Noise

While some noise and vibration will probably result from construction, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise beyond what is typical for a residential area is anticipated as a result of the proposed subdivision. The proposed residential use is not anticipated to generate permanent continuous noise impacting area residents or wildlife.

e. Air Quality

Primary access to the subdivision is provided via Farm To Market Road which is an MDT-maintained, paved roadway. All lots within the subdivision would be accessed via Shepherd Trail which is a paved internal subdivision road. The applicant has submitted a Dust Control Plan compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots to abide by the guidelines set forth in the plan during and after site construction and development activities.

Finding #7 – Impacts to air quality and noise are anticipated to be minimal with the imposition of conditions because impacts of noise from the residential development are not expected to extend beyond property lines, the primary access roads to the subdivision are paved, and a Dust Control Plan will be required to mitigate potential issues of dust during construction.

f. High Voltage Electric Lines/High Pressure Gas Lines

There are no high pressure gas lines or high voltage electrical lines on the subject property.

g. Airport Influence Areas

The subject property is not within an airport influence area.

Finding #8 – Impacts to public health and safety from high voltage electric lines, high pressure gas lines, or airport influence areas are not anticipated because no high voltage electric lines or high pressure gas lines are located on the subject property and the property is not located within an airport influence area.

4. Natural Environment

a. Soils

The National Resources Conservation Services (NRCS) web soil survey indicates soils on the property are comprised of three classifications: Yeoman cobbly loam, moderately deep over sand, 3 to 7 percent slopes (Yb), Yeoman cobbly loam, moderately deep over sand, 0 to 3 percent slopes (Yh), and Yeoman stony loam, moderately deep over sand, 7 to 20 percent slopes (Yzb). The Yb and Yzb soils are classified as not prime farmland and the Yh soils are classified as farmland of statewide importance.

According to the Soil Survey of Upper Flathead Valley Area, Yb and Yh soils are classified as having a capability class of III, and Yzb soils are classified as having a capability class of VI. Field data collected on the subject property demonstrates approximately 14% of the property contains soils with a capability class of I-IV, according the soils report submitted with the application.

b. Geologic/Avalanche Hazards

The subject property consists of gently rolling hills. There does not appear to be any known geological hazards that exist within the subject property. The subdivision is not located in an area of the county considered to be prone to avalanche hazards. The EA states, “The soil types for this location are primarily very gravelly, stony, cobbly, with some boulders at the surface and subsurface. These soil types are typically well drained with the water table depth at 120” or more. The soils are non-hydric and experience minimal expansion. This soil type does not require any special design considerations or methods to overcome any limitation.”

Finding #9 – No impacts from soils and geological and avalanche hazards are anticipated because soil types on the subject property appear suitable for development, the property does not contain steep slopes, and there is no evidence of unstable soils, rock outcroppings, falls or slides on the property.

c. Flora

The subject property has been used primarily for agricultural and grazing purposes in the past. The Montana Natural Heritage Program report identifies zero plant species of concern in the township and range of the proposed subdivision. The EA states, “The proposed subdivision consists of marginal grazing fields and does not contain critical plant communities.”

The prevention of noxious weeds is particularly important with regard to construction and development. Pursuant to Section 4.7.25 FCSR, an approved weed control plan, applicable to all lots, will be required as a condition of final plat approval.

d. Riparian/Wetland Areas

The National Wetland Inventory (NWI) Wetland Mapper indicates the western portion of the subject property contains a ‘Riverine’ wetland. The National Hydrography Dataset does not illustrate any streams on the Flathead County GIS interactive mapping system. It appears the mapped riverine wetland may be an ephemeral stream, which would flow only briefly during heavy precipitation events. A Riparian Resource Management Plan is not required for ephemeral streams.

The EA states, “According to the NWI site, the area was mapped in 2005 using digital imagery, not onsite evaluation. According to the current owner and verbal history from a previous owner, seasonal water has never been observed on the riverine site. There are not wetland plants on the site.”

Based on the application, supplemental information, and staff site visit, there appears to be no surface waters or wetland vegetation that would indicate the presence of riparian or wetland areas.

e. Floodplain

According to FEMA FIRM Panel 30029C1395J, the subject property is mapped as unshaded Zone X. Zone X is defined as areas outside of the 0.2% annual chance flood hazard area.

Finding #10 – Impacts to the natural environment as a result of the proposed subdivision are expected to be minimal because the applicant will be required to provide an approved Weed Control Plan prior to final plat approval, and the subject property does not appear to contain wetlands, riparian areas, or floodplain.

5. Wildlife and Wildlife Habitat

The Montana Natural Heritage Program report identifies eleven species of concern and one special status species in the township and range of the proposed subdivision. The species of concern in the vicinity include: Little Brown Myotis, Fisher, Grizzly Bear, Northern Goshawk, Great Blue Heron, Black Tern, Lewis's Woodpecker, Horned Grebe, Western Toad, Westslope Cutthroat Trout, and Bull Trout. The Bald Eagle is listed as a special species of concern. Most of these species reside in habitats which are not located on the subject property including mixed conifer forests, conifer forests, riparian forests, wetlands, floodplain pools, mountain streams, rivers, and lakes. The Little Brown Myotis is a generalist and may be present on site.

According to the EA, the subject property is mapped as big game winter range. The existing CC&R's for the subject property incorporate recommendations to prevent potential human-wildlife conflict. Montana Fish, Wildlife & Parks did not provide comment regarding the proposed subdivision.

Finding #11 – The proposed subdivision is anticipated to have an acceptable impact on wildlife and wildlife habitat because the subject property does not contain habitat the species of concern generally reside in, and Montana Fish, Wildlife & Parks did not provide comment regarding the proposed subdivision.

6. Historical Features

The Environmental Assessment indicates there are no known historical, archeological, or cultural sites on the subject property.

Finding #12 – The proposed subdivision would not adversely impact historical features because there are no known historical, archeological, or cultural sites on the subject property.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #13 – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations and Review Procedure

1. Requested Variances

No variances have been requested with this application.

2. Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

May 8, 2020

ii. Application Deadline Date (6 months from pre-application)

November 8, 2020

iii. Application Submittal Date

July 10, 2020

iv. Completeness Date

August 7, 2020

v. Sufficiency Date

August 27, 2020

vi. Agency Referral Requests Mailing Date

August 28, 2020

vii. Adjacent Property Notification Mailing Date

September 23, 2020

viii. Legal Notice Publication Date

September 27, 2020

ix. On-site Posting of Public Hearing Date

September 25, 2020

Finding #14 – The proposed subdivision has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

D. Provision of Easements for the Location and Installation of Planned Utilities

Finding #15 – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

E. Provision of Legal and Physical Access to Each Parcel

Finding #16 – The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because Farm To Market Road would provide access to the subdivision with an updated approach permit from the Montana Department of Transportation and Shepherd Trail would provide access to each lot.

F. Review of Applicable Plans

76-1-605(2)(b) M.C.A. states that “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The property is located in the West Valley Neighborhood Plan (Plan) area, which was adopted April 9, 1997 through Resolution 955AA as an addendum to the Flathead County Master Plan of 1987, which has been subsequently superseded by the current Flathead County Growth Policy, originally adopted March 19, 2007. The Plan emphasizes agricultural use and the primary function it serves in the area. The Plan discourages anything other than agriculture in areas of prime farmland in order to discourage unchecked residential growth. However, the plan also acknowledges residential lots 5-20 acres in density is appropriate in certain locations. The goals of the

neighborhood plan are supported by the West Valley zoning and the proposed subdivision meets the requirements of the 5-acre density residential neighborhood.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

G. Compliance with Local Zoning

The subject property is currently zoned 'WV West Valley.' The WV zoning designation has a minimum lot size of 1 acre and a maximum density of one dwelling per 5-acres, 10-acres, 15-acres, and 20-acres based on performance standards. The density performance standards pertain to soil types, slope, location within a fire district, and sensitive environmental features.

The proposed subdivision would create four lots ranging in size from 2.55 acres to 9.85 acres, with a total density of one dwelling unit per 5.12 acres. The soils report submitted with the preliminary plat application demonstrates the proposed subdivision meets the performance standards for a 5-acre density, outlined in Section 3.31.050(4) of the Flathead County Zoning Regulations (FCZR), because the average slope on all proposed lots is less than 15%, all lots are located within a fire district, no more than 20% of the lot area contains soils with capability classes I – IV, and the property does not appear to contain floodplain, wetlands, rivers, or lakes. According to the application, the proposed use for each lot is single-family residential, which is a permitted use within West Valley zoning.

Finding #17 – The proposed subdivision generally complies with the Flathead County Growth Policy, West Valley Neighborhood Plan, and Flathead County Zoning Regulations because the proposal conforms to the regulations used in the review of subdivisions in Flathead County and meets the bulk and dimensional requirements and density performance standards of the West Valley zoning designation.

V. SUMMARY OF FINDINGS

1. There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision because although the subject property has historically been used for agriculture, the property is not considered prime farmland, has no irrigation infrastructure onsite, is not in an irrigation district, and is not party to any irrigation agreements.
2. The proposed subdivision would have minimal impact on water, wastewater, and solid waste disposal services as the property is not located within a water and sewer district, the proposed subdivision would utilize individual wells and septic systems, the water and wastewater systems would be required to be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality, and lots within the subdivision would utilize contract haul services for solid waste disposal. [Conditions 7, 9, 12]

3. Impacts on area roads would appear to be acceptable as Shepherd Trail would provide legal and physical access to the proposed subdivision lots, all primary access roads are paved and constructed to County standards, the proposed subdivision has the potential to increase traffic on Farm To Market Road by less than 1%, and an updated approach permit from the Montana Department of Transportation would be required for the existing approach onto Farm To Market Road. [Conditions 4, 18]
4. Impacts on local services with regard to schools, mail delivery and recreation would appear to be acceptable as the proposed subdivision would add approximately one student to the local school districts, the applicant will be required to submit written approval from the local postmaster prior to final plat approval, and cash-in-lieu of parkland dedication will be required prior to final plat approval. [Conditions 8, 19, 20]
5. Impacts from storm water runoff will be acceptable because storm water generated by impervious surfaces within the proposed subdivision will be accommodated via onsite ditches and retention swales and the proposed storm water management plan will require review and approval through the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Conditions 7, 14]
6. Impacts on fire, emergency medical, and police services would be minimal with the imposition of conditions because lots within the proposed subdivision would be served by the West Valley Fire District and Flathead County Sheriff's Office in the event of an emergency, and the applicant will be required to implement an approved Fire Prevention, Control and Fuels Reduction Plan and meet the requirements of the fire district prior to final plat approval. [Sections 4.7.26, 4.7.27 and Conditions 2, 21, 22]
7. Impacts to air quality and noise are anticipated to be minimal with the imposition of conditions because impacts of noise from the residential development are not expected to extend beyond property lines, the primary access roads to the subdivision are paved, and a Dust Control Plan will be required to mitigate potential issues of dust during construction. [Conditions 4, 10, 12]
8. Impacts to public health and safety from high voltage electric lines, high pressure gas lines, or airport influence areas are not anticipated because no high voltage electric lines or high pressure gas lines are located on the subject property and the property is not located within an airport influence area.
9. No impacts from soils and geological and avalanche hazards are anticipated because soil types on the subject property appear suitable for development, the property does not contain steep slopes, and there is no evidence of unstable soils, rock outcroppings, falls or slides on the property.
10. Impacts to the natural environment as a result of the proposed subdivision are expected to be minimal because the applicant will be required to provide an approved Weed Control Plan prior to final plat approval, and the subject property does not appear to contain wetlands, riparian areas, or floodplain. [Conditions 3, 12]
11. The proposed subdivision is anticipated to have an acceptable impact on wildlife and wildlife habitat because the subject property does not contain habitat the species of concern generally reside in, and Montana Fish, Wildlife & Parks did not provide comment regarding the proposed subdivision.

12. The proposed subdivision would not adversely impact historical features because there are no known historical, archeological, or cultural sites on the subject property.
13. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval. [Condition 13]
14. The proposed subdivision has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.
15. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations. [Condition 13]
16. The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it because Farm To Market Road would provide access to the subdivision with an updated approach permit from the Montana Department of Transportation and Shepherd Trail would provide access to each lot. [Conditions 4, 18]
17. The proposed subdivision generally complies with the Flathead County Growth Policy, West Valley Neighborhood Plan, and Flathead County Zoning Regulations because the proposal conforms to the regulations used in the review of subdivisions in Flathead County and meets the bulk and dimensional requirements and density performance standards of the West Valley zoning designation.

VI. CONCLUSION

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria found in Section 4.7 FCSR, pursuant to the draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditional of approval. Should the Flathead County Board of Commissioners choose to grant preliminary plat approval of this subdivision, the following draft conditions should be considered to supplement the decision and mitigate impacts anticipated as a result of the subdivision.

VII. CONDITIONS OF APPROVAL

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Sections 4.7.16(g)(iv), 4.7.26(c) FCSR]
2. The developer shall comply with reasonable fire suppression and access requirements of the West Valley Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR and Finding of Fact (FOF) 6]

3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR and FOF 10]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the Flathead County Minimum Standards for Design and Construction, as applicable. [Sections 4.7.16, 4.7.17 FCSR and FOF 3, 7]
5. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR and FOF 3]
6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 4.7.21 FCSR and FOF 2, 5]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR and FOF 4]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR and FOF 2]
10. The owners shall abide by the guidelines set forth in the approved Dust Control Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 7]
11. All road names shall be approved by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]

- c. The owners shall abide by the guidelines set forth in the approved Dust Control Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 7]
 - d. Solid waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22 FCSR and FOF 2]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [Section 4.7.25 FCSR and FOF 10]
13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. and FOF 13, 15]
 14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.) and FOF 5]
 15. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
 16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]
 17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

18. Prior to final plat approval, the applicant shall provide an updated approach permit from the Montana Department of Transportation for the change in use of the existing approach onto Farm To Market Road. [Section 4.7.16 FCSR and FOF 3]
19. A parkland cash donation in lieu of parkland dedication for the fair market value of 0.203 gross acres (minimum) of land shall be submitted to the County at the time of final plat application. [Section 4.7.24 FCSR and FOF 4]
20. A 15-foot wide pedestrian and bicycle path easement shall be shown on the face of the final plat for the entire length of the subdivision adjacent to the Farm To Market right-of-way. [Sections 4.7.19 FCSR and FOF 4]
21. Prior to final plat approval, the applicant shall provide written documentation from the local fire protection authority verifying the approved Fire Prevention, Control and Fuels Reduction Plan has been implemented. [Section 4.7.27(b)(iii) FCSR and FOF 7]

22. The following statements shall be placed on the face of the final plat applicable to all lots:

- a. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27 FCSR and FOF 6]
- b. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27 FCSR and FOF 6]
- c. Firewise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27 FCSR and FOF 6]

Planner: EA